

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: Sukesh Sandhu et al.

Title: MEMORY CELL WITH TIGHT COUPLING

Docket No.: 303.596US2

Filed: November 19, 2003

Examiner: Unknown



Serial No.: 10/716,765

Due Date: April 23, 2005

Group Art Unit: 2812

MS Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):


☒ A return postcard.

☒ A Response to Ex Parte Quayle Action (3 Pages).

If not provided for in a separate paper filed herewith, Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

Customer Number 21186

By: 
Atty: Timothy B Chase
Reg. No. 40,957

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 1 day of April, 2005.

Tina Kohout
Name

Z. L. K.
Signature

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

(GENERAL)



S/N 10/716,765

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Sukesh Sandhu et al.	Examiner:	Thanh Nguyen
Serial No.:	10/716,765	Group Art Unit:	2812
Filed:	November 19, 2003	Docket:	303.596US2
Title:	MEMORY CELL WITH TIGHT COUPLING		

RESPONSE TO EX PARTE QUAYLE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir,

This paper responds to the Ex Parte Quayle Office Action mailed 23 March 2005. Applicant believes that there are issues that must be addressed before this application moves to allowance.

Additional Claims Under Elected Species

Applicant requests that claims 15 and 18 be examined in the present application because these claims read on elected specie I. Specie I was defined as including oxidizing Ta₂O₅ at a temperature above crystallization temperature. Claims 15 and 18 include this feature. Reinstatement and examination of claims 15 and 18 are requested.

Reinstatement of Generic Claims

Applicant requests that claims 13-14, 16-17, and 19-33 be reinstated in the application as these claims are believed to be generic to Species I and II as set forth in the Election Requirement dated 11 January 2005.

Claim 13 is the parent claim of claim 15, which reads in the elected specie. Accordingly, claim 13 is generic and/or linking.

Claim 16 is the parent claim of claim 18, which reads in the elected specie. Accordingly, claim 16 is generic and/or linking.

Applicant expressly reserved the right to reintroduce the generic claims in the response mailed February 11, 2005.

Consideration of Information Disclosure Statement

The Office Action states that the Information Disclosure Statement fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document. Applicant respectfully disagrees. As indicated on the Information Disclosure Statement copies of the documents were not required under 37 C.F.R. §1.98(d). The IDS states

Pursuant to 37 C.F.R. §1.98(d), copies of the listed documents are not provided as these references were previously cited by or submitted to the U.S. Patent Office in connection with Applicants' prior U.S. application, Serial No. 09/516681, filed on March 01, 2000, which is relied upon for an earlier filing date under 35 U.S.C. §120.

Consideration of the IDS according to 37 CFR 11.98(d) and MPEP 609 is requested prior to allowance of the present application.

Requirement to Cancel Claims

The Office Action has required the applicant to cancel claims 4-6 and 10-33. Applicant believes that such a requirement is premature as examination of the application is not complete.

Specifically, the Office Action has failed to clearly set forth the in the Office Action the reasons why the claims withdrawn from consideration are not readable on the elected invention (MPEP 821).

Applicant further submits that at least claim 16 is generic to both Species I and II. Once claim 16 is allowed then Species II, including at least claims 4-6, should be examined and allowed.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SUKESH SANDHU ET AL.


By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402

Date

1 April 2005

By


Timothy B. Chise
Reg. No. 40,957

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 1 day of April, 2005.

Name

Tina Kohout

Signature

